

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 10-30027-MLW
)	
DENNIS COLON,)	
Defendant.)	

FINAL ORDER OF FORFEITURE

WOLF, D.J.

WHEREAS, on August 26, 2010, a federal grand jury sitting in the District of Massachusetts returned a four-count Indictment charging defendant Dennis Colon (the "Defendant") with Possession with Intent to Distribute Cocaine and Aiding and Abetting, in violation of 21 U.S.C. § 841 and 18 U.S.C. § 2 (Count One), Possession with Intent to Distribute Cocaine Base and Aiding and Abetting, in violation of 21 U.S.C. § 841 and 18 U.S.C. § 2 (Count Two), Felon in Possession of a Firearm and Ammunition and Aiding and Abetting, in violation of 18 U.S.C. §§ 922(g)(1) and 2 (Count Three), and Possession of a Firearm in Furtherance of a Drug Trafficking Crime and Aiding and Abetting, in violation of 18 U.S.C. §§ 924(c)(1)(A) and 2 (Count Four);

WHEREAS, the Indictment also contained a drug forfeiture allegation, pursuant to 21 U.S.C. § 853, which provided notice that the United States sought the forfeiture, upon conviction of the Defendant of the offense alleged in Count One of the Indictment, of any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of the offense, and any property used or intended to be used, in any manner or part, to

commit, or to facilitate the commission of, the offense including, but not limited to, the following:

- (a) \$27,431 in United States currency (the “Currency”);

WHEREAS, the Indictment also contained a gun forfeiture allegation, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), which provided notice that the United States sought the forfeiture, upon conviction of the Defendant of the offenses alleged in Counts Three and Four of the Indictment, of all firearms and ammunition involved in the commission of the offenses;

WHEREAS, on October 21, 2010, the United States filed a Bill of Particulars for Forfeiture of Assets, providing notice of specific property that the government intended to forfeit pursuant to 18 U.S.C. § 924(d), 21 U.S.C. § 853 and 28 U.S.C. § 2461(c) as a result of violations of 21 U.S.C. § 841 and 18 U.S.C. §§ 922(g)(1) and 924(c)(1)(A);

WHEREAS, the Bill of Particulars identified any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of the offenses; and any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including but not limited to the following:

- (a) one black 2002 Lexus GS 300, bearing Vehicle Identification Number JT8BD69S020155637 and Massachusetts Registration Number RS45FJ;
- (b) one Bryco Arms Jennings 9mm pistol bearing serial number 1510730¹; and
- (c) approximately 8 rounds of Remington 9mm ammunition,

(collectively, and together with the Currency named in Paragraph 2, the “Properties”);

¹ The Bill of Particulars also identified all firearms and ammunition involved in the commission of the offenses and gave notice that the United States would seek forfeiture of the Bryco Arms Jennings 9mm pistol bearing serial number 1510730 and approximately 8 rounds of Remington 9mm ammunition pursuant to the gun forfeiture allegation of the Indictment, as well as pursuant to the drug forfeiture allegation.

WHEREAS, the Indictment further provided that, if any of the above-described forfeitable property, as a result of any act or omission by the Defendant, (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty, the United States is entitled to seek forfeiture of any other property of the Defendant, up to the value of such assets, pursuant to 21 U.S.C. § 853(p);

WHEREAS, on June 5, 2012, the Defendant pled guilty to Counts One through Three of the Indictment;

WHEREAS, on October 12, 2012, this Court issued a Preliminary Order of Forfeiture against the Properties, pursuant to 18 U.S.C. § 924(d), 21 U.S.C. § 853, 28 U.S.C. § 2461(c) and Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure;

WHEREAS, notice of the Preliminary Order of Forfeiture was sent to all interested parties and published on the government website www.forfeiture.gov for thirty (30) consecutive calendar days, beginning on October 22, 2012 and ending on November 20, 2012; and

WHEREAS, no claims of interest in the Properties have been filed with the Court or served on the United States Attorney's Office, and the time within which to do so has expired.

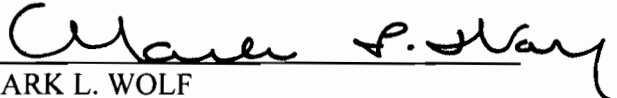
ACCORDINGLY, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. The United States' Motion for a Final Order of Forfeiture is allowed.
2. The United States of America is now entitled to the forfeiture of all right, title or interest in the Properties, and they are hereby forfeited to the United States of America pursuant to

18 U.S.C. § 924(d), 21 U.S.C. § 853, 28 U.S.C. § 2461(c) and Rule 32.2(c) of the Federal Rules of Criminal Procedure.

3. All other parties having any right, title or interest in the Properties are hereby held in default.

4. The United States Marshals Service is hereby authorized to dispose of the Properties in accordance with applicable law.



MARK L. WOLF
Senior United States District Judge

Dated: June 9, 2014